

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TRAXCELL TECHNOLOGIES, LLC	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:21-cv-01312-ADA
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

STATUS REPORT ON DEFENDANT GOOGLE LLC’S MOTION TO TRANSFER

Pursuant to the Court’s Standing Order Governing Proceedings (OGP) 4.1 – Patent Cases (“Standing Order”) § V and the Second Amended Standing Order Regarding Motions for Inter-District Transfer, Defendant Google LLC’s (“Google”) provides the following update regarding its Motion to Transfer Venue to the Northern District of California Pursuant to 28 U.S.C. § 1404(a).

Google filed its Motion to Transfer Venue on May 3, 2022. Dkt. No. 38. Within 14 days (*i.e.*, by May 17, 2022), Plaintiff Traxcell Technologies, LLC (“Traxcell”) was required to file a response to Google’s motion or to “file a notice of venue or jurisdictional discovery if the discovery will delay a response to a motion to transfer.” Dkt. No. 32 at 5 (Section V); *see also* Local Rule CV-7(D)(1). Traxcell failed to take either action. Accordingly, on May 18, 2022, Google filed a notice apprising the Court of Traxcell’s failure to oppose and requested that the Court consider Google’s Motion to Transfer unopposed per Local Rule CV-7(D)(2). Dkt. No. 41 at 1-2. Traxcell did not file a response to Google’s notice.

After the deadline, Traxcell sought from counsel for Google an extension to serve venue discovery out of time, but the parties were unable to reach agreement and Google indicated it would oppose. Traxcell did not seek an extension with the Court, and without leave of Court,

filed an untimely notice of venue discovery. Dkt. No. 42. In it, Traxcell inaccurately stated that Google filed its Motion to Transfer on May 18, 2022, and based on this, claimed that its notice of venue discovery was timely. *Id.* However, Google's motion was filed more than two weeks earlier on May 3, 2022 and Traxcell's notice of venue discovery was therefore late.

Without a timely notice, Traxcell served Google with interrogatories and requests for production on May 20, 2022. Google served its objections and responses on June 3, 2022. Subsequently, Google met and conferred with Traxcell regarding the timeliness and scope of Traxcell's venue discovery. Google offered to supplement, but Traxcell never responded. Despite this, Google provided a document production and supplemental interrogatory responses on July 22, 2022.

Even assuming Traxcell had timely filed a notice of venue discovery, the 10-week venue discovery period would have closed on July 12, 2022. *See* Standing Order, Dkt. No. 32 at 5 (Section V) (“[V]enue or jurisdictional discovery . . . shall be completed no later than 10 weeks after the filing [of a motion to transfer venue].”). The deadline for Traxcell to respond to Google's motion would have been 2 weeks later on July 26, 2022. Local Rule CV-7(D)(2). Traxcell did not file a response.

The claim construction hearing in this case is scheduled for September 1, 2022. Dkt. No. 22 at 2.

Dated: August 4, 2022

Respectfully Submitted,

/s/ G. Blake Thompson

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 4, 2022, a true and correct copy of the foregoing document was served to the parties' counsel of record.

/s/ G. Blake Thompson
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